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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,157

01/20/2004

John Nixon

8989

7590

08/19/2005

John Nixon
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Brighton, MI 48116-8534

EXAMINER

REHM, ADAM C

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,157

Applicant(s)

NIXON, JOHN

Examiner

Adam C. Rehm

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

. DETAILED ACTION

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

2. A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s). No new matter should be entered:

- A neoprene plate that connects sockets and plastic lenses and forms a safety bumper and contains an alarm switch mounting and connection for a flexible hose and mounting holes per Claim 3;
- A "small plug" per Claim 4;
- A "printed circuit board" per Claim 4;

- A “cast base” per Claim 5;
 - A “brake on” wire per Claim 7.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. Applicant is reminded of the proper content of an abstract of the disclosure. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an

Art Unit: 2875

improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

6. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

7. Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

8. Extensive mechanical and design details of apparatus should not be given.

9. Applicant is reminded of the proper language and format for an abstract of the disclosure.

10. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Art Unit: 2875

11. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

12. The spacing of the lines of the specification is such as to make reading difficult. New application papers with lines 1½ or double spaced on good quality paper are required. Appropriate correction is required throughout the entire application.

Claim Objections

13. Claims 1-8 are objected to because of the following informalities:

- Periods are improperly used throughout the Claims. Notably, each Claim must begin with a capital letter and end with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ 2d 1211. Specifically, a period should not be used after a claim number (e.g. "Claim 1." in Claim 4, Line 1) or in the middle of a claim (e.g. "hinged side." in Claim 1, Line 2 and "flexible plate." in Claim 1, Line 7). The claims are replete with such informalities and every single instance is not noted herein. As such, Applicant's cooperation is requested. Applicant should review all Claims and amend as required to comply with proper claim format. Examiner suggests review of issued patents to observe proper claim format. A listing of issued patents is available on the USPTO Internet web site <http://www.uspto.gov> under "Patents" and "Search."

Art Unit: 2875

- Multiple instances of using the phrase: "the said." Notably, the terms "the" and "said" are interchangeable terms and can be used alternatively, but not simultaneously. Examiner suggests that Applicant delete one or the other (e.g. "the said lamp assemblies" in Claim 3 should be "the lamp assemblies" or "said lamp assemblies").
- In Claim 4, applicant inserts the phrase, "I claim: 4. continued,". This is unnecessary and should be deleted. Notably, proper usage of periods and capitalized letters is urged as previously stated.

14. Claims 6 and 8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

15. The Claims are objected to under 37 CFR 1.52(b) because the lines are crowded too closely together, making reading difficult. Substitute claims with lines 1½ or double spaced on good quality paper are required.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

17. Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

18. There is insufficient antecedent basis for the following in the Claims:

- Claim 1 recites the limitation "the right and left hand access doors" in Line 2;
- Claim 1 recites the limitation "the hinged side" in Line 2;
- Claim 1 recites the limitation "the operation" in Line 3;
- Claim 1 recites the limitation "the outside rear view mirror housing" in Line 4;
- Claim 1 recites the limitation "the steering mechanism" in Line 11;
- Claim 2 recites the limitation "the base" in Line 1;
- Claim 3 recites the limitation "Formed neoprene plate" in Line 1;
- Claim 4 recites the limitation "the rear";
- Claim 4 recites the limitation "the underside" in Line 8;
- Claim 7 recites the limitation "the brake on wire" in Line 2;
- Claim 7 recites the limitation "the second, third and fourth lamp assemblies" in Lines 2-3;
- Claim 8 recites the limitation "the vehicle hot at all times wire" in Lines 1-2;
- Claim 8 recites the limitation "the on-off switch" in Line 2;
- Claim 8 recites the limitation "the second, third and fourth lamp assemblies" in Lines 2-3;
- Claim 8 recites the limitation "the hazard switch" in Line 4; and
- Claim 8 recites the limitation "the toggle switch" in Line 9.

19. Examiner suggests that Applicant should replace "the" with "a" or "an" to provide appropriate antecedent basis or alter claim dependency. Appropriate correction is required throughout the Claims.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

22. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over HUNG (US 5,644,443) as best understood by Examiner.

23. Regarding Claim 1, HUNG provides a vehicle side-view mirror housing (1, Column 3, Lines 6-7) having a molded rubber flexible plate (191, Fig. 4); and lamp assemblies (3, Column 2, Lines 43-45). HUNG does not explicitly disclose: (1) an operator's switch on a steering assembly; (2) means of connecting inputs; and (3) electronic circuitry and ducting therefore. However, it well known to provide a lamp that: (1) is operated upon ignition of the vehicle with an ignition switch that is commonly

Art Unit: 2875

located on a steering mechanism; (2) has means for connecting the required wiring for such lamp assemblies because operation thereof would not be possible without such wiring; and (3) has means for ducting/piping of the wiring. It would have been obvious to one of ordinary skill in the art at the time of invention to modify HUNG and use an operator's switch on a steering assembly, means of connecting inputs and electronic circuitry and ducting therefore since it was known in the art that such a lamp assembly requires a switch, wiring and ducting/piping.

24. Regarding Claim 2, HUNG discloses the claimed invention except for the light-reflecting metal adhesive tape. It would have been an obvious matter of design choice to attach such a tape to a mirror, since applicant has not disclosed that a mirror with tape solves any stated problems or is for any particular purpose and it appears that the invention would perform equally well without the tape.

25. Regarding Claim 3, HUNG discloses the claimed invention including a housing (1 in Fig. 4), but does not explicitly disclose a housing that: (1) is made of neoprene; (2) houses various parts; and (3) has an optimum value of 6-7 durometer. Regarding the HUNG housing and material of choice, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize a housing of neoprene since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Notably, neoprene is well known for being the most rubberlike of all materials, particularly with regard to its dynamic response as well as being resistant to the elements such as heat, oxidation and ozone making it an ideal material

Art Unit: 2875

for outdoor usage, e.g. vehicles. Regarding optimum value, it would have been obvious to one of ordinary skill in the art at the time of invention to use neoprene of 6-7 durometer, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

26. Regarding Claims 4, 5 and 7, HUNG discloses the claimed invention including indicator lamp assemblies (3, Column 2, Lines 43-45), but does not disclose lamps that are LEDs, in-line on a printed circuit board and indicate vehicle braking/hazard and directional change. Regarding the indicators, it is well-known in the art to utilize lamps arranged in various configurations on mirrors that indicate vehicle braking/hazard and directional changes and typically these signals are operated via toggle switches/spring-loaded actuators that enable the operator to signal left, right or both/hazard. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify HUNG and utilize such indicators since it was commonly known that indicators can be used for such. Regarding the LEDs, the benefits of utilizing LEDs, which require circuit boards, are well known in the art (e.g. lower energy usage, longer life span), thus it would have been obvious to utilize LEDs and corresponding circuit boards in HUNG in order to provide a more efficient indicator with longer life.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. RODRIGUEZ BARROS ET AL. (US 6,926,432) discloses a rear-view mirror with multiple interchangeable signals/LEDs.
29. FOOTE ET AL. (US 6,926,431) discloses a multifunctional vehicular mirror assembly incorporating a plurality of different-colored LEDs, including that of amber.
30. PASTRICK ET AL. (US 6,902,306) discloses a mirror assembly security system constructed of neoprene.
31. MISHIMAGI (US 6,880,960) discloses a side mirror cover having a plurality of indicator lamps and a bumper.
32. GIGLIO (US 6,663,271) discloses a remote brake light for motor vehicles.
33. BERG (US 6,152,587) discloses a side view mirror with auxiliary lights including white running lights and red/amber turning and brake lights.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

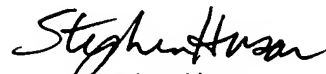
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2875

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR
8/11/2005


Stephen Husar
Primary Examiner